

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 NORFOLK DIVISION

4 -----
5 DOUGLAS I. HORNSBY,
6 ADMINISTRATOR OF THE ESTATE OF
7 CYNTHIA GARY,

8 Plaintiff,

9 -vs-

10 UNITED STATES OF AMERICA,

11 Defendant/Third-Party Plaintiff,

12 -vs-

13 METRO MACHINE CORP.,
14 d/b/a GENERAL DYNAMICS NASSCO-NORFOLK
15 and
16 ADVANCED INTEGRATED TECHNOLOGIES, L.L.C.,

17 Third-Party Defendants.
18 -----

CASE NO.:
2:22cv427

19 Deposition of Senior Chief Robbie Goff
20 Taken on behalf of plaintiff.

21 Date: August 30, 2024, at 9:30 a.m.

22 Place: Norfolk, Virginia

23
24
25 Reported by: Robin L. Delloro, R.P.R.

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1 type of engines?

2 A Similar engines, yes. I would -- the intakes
3 assembly are vastly different.

4 Q What do you mean by that?

5 A The design is completely different. They have
6 some -- like a cruiser has something called a blow-in door, but
7 assembly is completely different. It is a vertical trunk. It
8 is not -- nothing is the same.

9 Q Had you been on a ship before that had this
10 particular kind of blow-in door involved in this incident?

11 A Yes, the *USS Laboon*.

12 Q Is that also a --

13 A DDG, guided missile destroyer.

14 Q All right. So let me ask you about the date of
15 this incident, March 15th, 2020. Were you on board the *McFaul*
16 at that time?

17 A At what point?

18 Q When this injury to Ms. Gary happened.

19 A When the casualty was called away, I was on the
20 berthing barge which was next to the ship but not physically on
21 the ship at that time.

22 Q Okay.

23 A I heard the casualty get called away, and I
24 started to come toward the ship to figure out what was going
25 on.

1 Q Okay. Were you involved in the response to the
2 casualty?

3 A Yes.

4 Q What was your role in the response?

5 A So I -- I heard the casualty get called away. I
6 came over. The casualty was called away incorrectly in the
7 beginning. The word that got passed over the 1MC was that
8 someone was caught in the ventilation which was a strange
9 casualty -- I didn't understand it -- which is why I started
10 coming towards the ship.

11 I saw people. Once I saw people at the intake, I
12 knew what was -- something had happened, and I went running.
13 The way that we were accessing the space at the time was
14 vertically through the inspection plate underneath the intake
15 in Main 2. I went, myself -- the chief engineer was also
16 progressing towards the space at the time; so he ended up being
17 right in front of me.

18 We both ended up going into Main 2 at the same
19 time and going down the same way. He was in front of me on the
20 ladder once we got into the intake and we went vertical and got
21 up into the intake to get to that side of the blow-in door
22 because that was the only way we were going to be able to do
23 anything.

24 There was plastic tarps, something -- there was
25 tarping on the deck. It was blocking the hatch that we needed

1 to go through, and the chief engineer pushed his way through.
2 Stuff fell everywhere. I had tools flying by my head.

3 We got up in the space, and she was there, and I
4 started -- the first thing I think -- it's hard. I try very
5 hard not to think about that day, but the first thing that I
6 remember asking was if there was a wrench or anything on the
7 other side.

8 Q A what?

9 A A wrench, some kind of tool. There was. There
10 was a Ford wrench, and they passed it through to me, and I
11 started taking apart the air -- and I'm sure you are going to
12 ask about the systems and stuff, but that door, once it gets
13 the command to close until it actually thinks it's closed, it
14 won't vent anything; so the only way that we were going to be
15 able to get her out was to disassemble the assembly.

16 So I removed the air lines going to it, and we
17 pulled -- and we were venting the air as -- the ChEng was
18 pulling at the door while I was trying to vent the air. I got
19 the air lip off. The door came free. I was lying to myself at
20 the time. I thought she was still alive. I don't know if she
21 was or not when I first got there. Again, I try real hard not
22 to think about it.

23 We left once the corpsman had her on the other
24 side, and I went down, and the first place I looked was the
25 controller, and that's when we found the switch and we found

1 the tag, the danger tag.

2 Q Are you talking about the control switch in the
3 engine room?

4 A Yes.

5 Q What did you find?

6 A That the switch was in the wrong position.

7 Q What does that mean?

8 A It should have been in the open position, and it
9 was in the -- I believe the closed position. It also looked
10 like it had been slightly bent like something had bent it over.

11 Q So when you are up working on the blow-in door
12 where Ms. Gary was, you were on the -- I don't -- I don't know
13 if this is the right term. You were on the inside part of the
14 ship?

15 A I was -- okay -- so, yes. The intakes themselves
16 are divided in that area into clean and dirty.

17 Q Right.

18 A The dirty side would be anything before the
19 blow-in door, clean side would be anything after. She was
20 stuck in the door that was the interface between the two; so
21 the only way to get to the air cylinders that we needed to get
22 in order to get her out was to go to the clean side, yes.

23 Q Okay. Tell me again, what was your position or
24 job on the *McFaul* at that time?

25 A At that time, I was the Top Snipe. I was the

1 had been in the space. Someone had laid the tarp down. It was
2 not hard material; so someone had been in the space, and
3 someone had covered the only safe access to the space with a
4 tarp.

5 The only other way they would be getting into the
6 space to lay that tarp down would have been crawling through
7 that door which is never an acceptable solution. It's called a
8 door. It is an 18 inches of gap. It is not an entrance. It
9 was never designed to be a functional entrance. It is just a
10 panel that opened 18 inches to allow air flow through the
11 engine in cases where your filters become clogged.

12 That is what it's there to do. I cannot prove
13 that -- who was in there. I know that there were tools on the
14 deck. I know that there were tarps on the deck. I know that
15 there were hard hats on the deck that did not have names on
16 them -- I remember that distinctly -- and I know that they did
17 not belong to any Navy personnel.

18 Q Were there any contractors actually in that space
19 when you made it up there?

20 A I don't know for certain. I do not believe so.
21 I do not remember anyone being there other than herself and
22 Mr. Getty. Again, I try really hard not to think about it.

23 Q Sure. And I apologize. I have to keep asking
24 some more questions. If you want to take a break, it's okay.

25 A It's just ...

1 and turned it, what ends up happening is once that door is
2 closed -- let's say you told it to close. Once the door is
3 physically closed, which means the switches on the side are
4 depressed, those switches send a signal back to the controller
5 that says, Hey, the door is actually closed -- at which point
6 it would de-energize or remove power from the closed solenoid.

7 Once that closed solenoid power has been removed,
8 the closed solenoid would go to its de-energized position. As
9 it is going to its de-energized position, there is a valve
10 inside it that vents the pressure.

11 So it is not -- once the door is all the way
12 closed, it is not going to keep pressure on the door. It vents
13 the pressure off. Same thing with the open solenoid, once
14 you've commanded the door to go open and it has reached its
15 full open position, the controller sees it. It kills power to
16 the open solenoid, and the open solenoid goes to its
17 de-energized position at which point it vents off pressure.

18 Q Can you explain to me a little bit what is a
19 solenoid?

20 A An electric valve is the easiest way to describe
21 it.

22 Q And you talked about air. I've seen some
23 documents reference to LP air?

24 A Low pressure air.

25 Q Is that what we're talking about?

1 A Yes, sir.

2 Q So for the door to open or close you need
3 electrical power and LP air?

4 A Yes and no.

5 Q Okay.

6 A People have -- people have confused what goes on
7 in that controller for a long time. If you kill power to the
8 controller, the only thing that you did was secure the air
9 because the only thing that that controller is doing is sending
10 power to the solenoid.

11 So, yes, you can kill power and air, but the only
12 thing that you've actually done if you kill power -- and let's
13 say you secured the air and you secured the power. The only
14 thing you actually did was secured the air because the only
15 thing the power is going to do -- removing power is going to do
16 is removing the air; so it's two different ways to isolate the
17 same thing.

18 Q So let me try to make sure I understand. So if
19 you killed -- the power goes to the solenoid which is the valve
20 that either lets the air go to open or to the closed position;
21 so if you turn off the power, then the solenoid is not going to
22 do anything?

23 A Exactly.

24 Q So can you disconnect the air so there's no air
25 that can go regardless of what the solenoid is doing?

1 A You can isolate the air. There are ways to do
2 that.

3 Q What would happen?

4 A Depends on the situation.

5 Q What would happen if you isolated the air? What
6 would happen?

7 A The door, if it is closed, there was a latch that
8 would have held it in place. If the door was open, you could
9 have moved it. Like if anything had fallen -- I am a big guy.
10 I've fallen against that door and also shut it before. Yes,
11 it's big. Yes, it's heavy. I'm sure you are going to ask me a
12 whole bunch of tag-out questions later; so I will save my
13 statement.

14 Yes, it's big. Yes, it's heavy. That doesn't
15 mean it can't close.

16 Q Can the door be operated manually?

17 A Yes.

18 Q Is that true even if it's still connected to
19 power and air?

20 A Okay. If it has gotten a signal, no. In my
21 opinion -- that is an opinion -- that day we tried to open the
22 door -- all right? -- the issue that we ran into was the door
23 had a command signal. It had sent the signal to the close
24 solenoid. The close solenoid was in its energized position.
25 It was porting air to the close -- to try to close the door.

1 closed air to vent the pressure off the cylinder, the air
2 piston, at which point the door opened.

3 Q Let me ask you about the switch in the engine
4 room, and was this -- I'm just asking in general, not
5 necessarily specifically at the time of this incident. How
6 does the switch work, that -- the auto on/off switch?

7 A In order to change the position, you're supposed
8 to depress the switch a quarter turn and then turn it to the
9 position that you desire.

10 Q All right. Now, talking about on the *McFaul* on
11 March 15, '21, do you know whether that switch was working
12 properly?

13 A It was not.

14 Q What was wrong with it?

15 A After the incident, we tested the switch and
16 found it to be broken. I cannot attest to whether it was
17 working before it got hit or whatever happened to it, but after
18 the incident, we tested the switch and found that it was
19 broken. It was rolling without having to be depressed.

20 Q All right. You may have answered this. I am
21 going to ask again just to make sure it's clear to me. So we
22 talked about the power and the LP air going to the blow-in
23 door; so let's say the door is in the open position. You
24 turned the switch to open, and you disconnect power to the
25 solenoid. What happens, if anything?

1 them not physically turning a valve. They're not supposed to
2 physically turn the valve. They're supposed to look at it and
3 visually verify that the tag is in the correct position.

4 But they are not supposed to lay their hands on
5 it and attempt to shut something or attempt to open something.
6 It may be referencing that, but it's hard for me to tell
7 because I'm not sure which portion of the *Tag-out Users Manual*
8 that was taken out of.

9 Q Certainly. That's fine. And then at the bottom
10 of that page where it has -- looks like a 1.6.6, Beginning
11 Work, and then subsection B, and the last sentence says, The
12 authorizing officer is the final authority for the commencement
13 of work.

14 Do you see that?

15 A Yes, ma'am.

16 Q So authorizing officer is the one who finally
17 blesses it for the actual work that is -- that the tag-out was
18 designed to create can be performed?

19 A Yes. Again, it makes sense. I just wish I knew
20 where this -- there are multiple different forms of tag-out
21 systems that we use. There's ESOMS. There's eTagOut, and
22 there's paper tag-outs. I'm not sure which one this section is
23 referencing. But it's a generally accurate statement.

24 Q And you testified earlier that as of March 15,
25 2021, that the work on the blow-in door that this tag-out was

1 signed for had not yet been completed; correct?

2 A It had not yet been begun as far as I'm ware.

3 Q So AIT hadn't even started doing the work;

4 correct?

5 A To the best of my knowledge they had not started
6 doing the work.

7 Q Would you have any reason to speak to anybody at
8 AIT about this particular project?

9 A Myself personally.

10 Q Yes.

11 A No.

12 MS. LAWRENCE: I hate to interrupt, Jennifer. I
13 did want to note it is now: 135. I am just a little concerned
14 about the changeover and the access; so maybe if we going to
15 break. Now is the time to do is so we can get back before 2.
16 That is all.

17

18 (A recess was taken.)

19

20 MS. EATON: Everybody ready?

21 THE WITNESS: Yeah.

22

23 BY MS. EATON:

24 Q All right. We were talking a little earlier
25 about building the tag-out and we talked about this archive

1 require a 24-hour vent period; so you could just go into it.

2 So we would open from the bottom, and then there
3 is a ladder that goes vertical that goes up to the clean side
4 intake directly behind the blow-in door.

5 Q And is that the avenue that you believe anybody
6 on that particular day that is how they should have gotten into
7 that clean side?

8 A Yes.

9 Q And you mentioned that people were not using
10 that, and why was that?

11 MS. LAWRENCE: Objection to form, foundation.
12 You can answer.

13 THE WITNESS: I don't know why. It's probably
14 going to bother me for the rest of my life.

15

16 BY MR. BRUGH:

17 Q I understand.

18 A I don't understand why someone -- when I look at
19 that, it doesn't look like a door to me.

20 Q Look at what?

21 A The blow-in door. It doesn't look like a door.

22 Q Let's back up because I had asked you about the
23 blow-in door in terms of proper access. I thought you said
24 there was a tarp over it?

25 A There was.

1 Q Was there equipment on it?

2 A There were tools.

3 Q So does that mean you can't open it because there
4 was stuff on it?

5 A When it actually happened, the chief engineer was
6 ahead of me, and basically I'm climbing the ladder. The chief
7 engineer was above me on the ladder. He got to the hatch, saw
8 that there was a tarp over it. He pushed it out of the way
9 anyway.

10 The tarp flew out of the way. Dirt, wrenches, I
11 think a hard hat -- again, I believe a hard hat flew past me,
12 and we pushed our way into the system -- I mean into the clean
13 side of the blow-in door.

14 Q Just while -- chief engineer, is that Getty?

15 A Yes, sir. And so myself and he saw what was
16 going on and saw her there and, like I said, attempted to open
17 the manual valve -- attempted to take manual control. We could
18 not due to the fact that the command signal for closed had been
19 given, and so it was going to go closed until it closed the
20 door.

21 Q Before we get into the blow-in door, I want to
22 ask about the stuff that was on the -- the hatch.

23 A It was -- okay.

24 Q Could you tell what type of work was associated
25 with whatever -- the stuff on the hatch?

1 A It was a bright yellow -- it was a bright yellow
2 tarp, very thick, coarse. I don't know what it was being used
3 for. I don't know why it was there.

4 Q There was no equipment?

5 A There were tools. There was a hard hat and, if I
6 recall correctly, a broom.

7 Q In discussions with people that day or
8 afterwards, has it ever come up who was in there working?

9 MS. LAWRENCE: Objection to form.

10 THE WITNESS: No one has been able to justify to
11 me why someone was in that space. No one has ever admitted to
12 being in the space before the incident happened, as far as I
13 know.

14

15 BY MR. BRUGH:

16 Q Right. And I hate to be nit-picky. I know
17 nobody admitted to it and there's no justification, but have
18 you even heard of any suggestions, any rumors about who could
19 have been in there?

20 A No, I haven't. Anything that I said would be an
21 assumption, and I don't really know. The only person that I
22 know was -- that was -- the only person was her. I don't know
23 if other people had been coming in and setting up covers
24 because they were climbing over the door. I don't know if
25 someone was doing something else shady in there. I don't know.

1 Q From your experience, do you have any opinion on
2 what type of work was being done in there?

3 A I wish I did.

4 Q Do you know or have you heard any information at
5 all about how long that had been there?

6 A Not that I remember. No one ever told me how
7 long that that tarp had been in there.

8 Q Or any of the equipment? Did anybody -- nobody?

9 A No. My guys weren't working in the area. The
10 welders were working above; so I don't see why they would put
11 anything in the space.

12 Q Do you know how long the welders had been working
13 above?

14 A I don't know when that WAF was opened, sir. It
15 was early in the availability.

16 Q Okay. And that WAF that you just referred to for
17 this welding that was being done above, is that the WAF that
18 you're saying should have had a -- that you referred to earlier
19 that you believe the WAF coordinator didn't do the proper
20 procedure?

21 A If there was a requirement to put someone in the
22 clean side of the intake to observe hot work, then the clean
23 side of the intake needed to be tagged out. If the clean side
24 of the intake needed to be tagged out, then the gas turbine
25 needed to be tagged out for the specific WAF in question

1 because someone was going to have to observe the work in the
2 intake. To me that indicates that that WAF for the hot work
3 should have required an isolation.

4 Q Just so I'm clear on this, so the work that was
5 being done in the compartment above, the welding work --

6 A Okay.

7 Q -- do you know first of all what the WAF number
8 is for that?

9 A Absolutely not, sir.

10 Q Have you seen it?

11 A Not in the last two years. I probably -- I know
12 I took a look at it after the incident happened, but I do not
13 remember the exact details of that WAF.

14 Q Do you recall what it requested?

15 A No, not off the top of my head, sir. If we have
16 it here, we could take a look at it, but I don't remember off
17 the top of my head.

18 Q And I was a little bit confused in how you
19 described why you think it required a tag-out.

20 A I think it required a tag-out because of what she
21 was attempting to do was observe the deck above her. Now, is
22 there a chance that she was there in error and that she didn't
23 need to be observing that one bulkhead? No one has ever told
24 me that, but there is a chance, I guess.

25 What I'm saying is that if she needed to observe

1 that deck overhead, then she needed to be on the clean side of
2 the intake. There is no such thing as an isolation that allows
3 you to be -- to put your head in that 18-inch gap. That
4 doesn't exist. You can't write one. That's never right.

5 She could not be -- she was not allowed to be
6 where she was. She needed to be on the clean side of the
7 intake because that was the only safe place for her to be.
8 Now, if she needed to be there because she was observing hot
9 work and that hot work was in the -- what it appeared to me,
10 was that she was looking up and observing the overhead.

11 If the hot work was in the overhead in the
12 compartment above her or in the bulkhead for the compartment
13 next to her, for that matter, if she needed to be there to
14 observe that area to make sure that area didn't catch fire as a
15 fire watch, then she needed to be on the clean side of the
16 intake. If she needed to be on the clean side of the intake,
17 whatever WAF they were working under required a tag-out.

18 Q And what would the tag-out need to be for if she
19 was on the clean side intake?

20 MS. LAWRENCE: Objection. Foundation.
21 You can answer if you know.

22 THE WITNESS: Repeat that one. Run that by me.

23 MR. BRUGH: Why would that be lack of foundation
24 if he was just explaining why?

25 MS. LAWRENCE: Because he is not in control of

1 A Navy personnel. That is all I can talk to. They
2 were splitting their time between all of their administrative
3 work -- because their computer systems were down, all the
4 administrative work was taking place on a berthing barge which
5 was located directly -- you got off the pier. You walked, I
6 think, about 350 feet, and there was the berthing barge; so
7 they were bouncing back and forth between the two.

8 Most of the work that we were doing in the space
9 at the time was periodic maintenance checks. I don't recall
10 any periodic maintenance checks that were happening that
11 specific day so not a whole lot of people were.

12 Q Can you give me their names?

13 A Who were in Main 2?

14 Q Yeah. You said they were five people -- or do
15 you mean five on any given day and there were multiple people
16 rotating in and out of their shifts?

17 A So you have the duty section. You have watch
18 requirements; so the only people that would have been entering
19 the spaces consistently would have been the sound and security
20 watch, and I do not know if -- who was on watch, but it's a
21 watch billet; so you can probably pull it and look at it. I
22 don't know off my head.

23 Q You said there was five people?

24 A Preetam, Roberts -- Preetam, Roberts,
25 Crespo -- oh, gosh. Who was her second? There was